

AMENDED IN ASSEMBLY MAY 2, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 76

Introduced by Assembly Member Lieber

December 4, 2006

An act to ~~add Section 6259.5 to, and to add Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of;~~ the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 76, as amended, Lieber. Corrections: female inmates.

Existing law provides for the care and custody of female inmates under the jurisdiction of the Department of Corrections and Rehabilitation.

This bill would require the department to undertake various tasks related to female offenders, *including creating a Female Offender Reform Master Plan, creating policies and practices designed to ensure a safe and productive institutional environment for female offenders, contracting for specified services related to female offenders, creating a gender responsive female classification system and staffing pattern, designing and implementing evidence-based gender specific rehabilitative programs, and establishing a family service coordinator at each female prison.* The bill would ~~require the department to develop a community-based female offender program whereby female offenders who committed a nonviolent or nonserious offense are housed in the same facility during their term of imprisonment and while participating in a residential aftercare program during parole. The bill would require the department to develop a process to secure 2,900 community correctional center beds for nonserious and nonviolent female offenders,~~

~~with no more than 200 beds in each facility prohibit the department from altering the use of existing women's prisons without legislative approval. The bill would express the intent of the Legislature to reduce crime and recidivism, improve access to rehabilitation, break the intergenerational cycle of incarceration, create a therapeutic community within women's prison, and dedicate adequate space for programming needs.~~

~~Under existing law, certain inmates are required to enter a 150-day residential aftercare drug treatment program. If an inmate successfully completes the 150-day program, he or she is discharged from parole supervision.~~

~~This bill would require the department to establish female rehabilitative community correctional centers to house inmates and parolees in accordance with the above provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 3430) is
2 added to Title 2 of Part 3 of the Penal Code, to read:

3
4 CHAPTER 5. GENDER RESPONSIVE PROGRAMS
5

6 3430. The Department of Corrections and Rehabilitation shall
7 do all of the following:

8 (a) Create a Female Offender Reform Master Plan, *and shall*
9 *present this plan to the Legislature by March 1, 2008.*

10 (b) Create policies and operational practices that are designed
11 to ensure a safe and productive institutional environment for female
12 offenders.

13 (c) Contract with nationally recognized gender responsive
14 experts in prison operational practices staffing, classification,
15 substance abuse, trauma treatment services, mental health services,
16 transitional services, and community corrections: *to do both of the*
17 *following:*

18 (1) *Conduct a staffing analysis of all current job classifications*
19 *assigned to each prison that houses only females. The department*
20 *shall provide a plan to the Legislature by March 1, 2009, that*
21 *incorporates those recommendations and details the changes that*

1 *are needed to address any identified unmet needs of female*
2 *inmates.*

3 *(2) Develop programs and training for department staff in*
4 *correctional facilities.*

5 *(d) Create a gender responsive female classification system.*

6 *(e) Create a gender responsive staffing pattern for female*
7 *institutions and community-based offender beds.*

8 *(f) Create a needs-based case and risk management tool designed*
9 *specifically for female offenders. This tool shall include, but not*
10 *be limited to, an assessment upon intake, and annually thereafter,*
11 *that gauges an inmate's educational and vocational needs,*
12 *including reading, writing, communication, and arithmetic skills,*
13 *health care needs, mental health needs, substance abuse needs,*
14 *and trauma-treatment needs. The initial assessment shall include*
15 *projections for academic, vocational, health care, mental health,*
16 *substance abuse, and trauma-treatment needs, and shall be used*
17 *to determine appropriate programming and as a measure of*
18 *progress in subsequent assessments of development.*

19 *(g) Design and implement evidence-based gender specific*
20 *rehabilitative programs and housing strategies, including*
21 *“wraparound” educational, health care, mental health, vocational,*
22 *substance abuse and trauma treatment programs that are designed*
23 *to reduce female offender recidivism. This programs shall include,*
24 *but not be limited to, educational programs that include academic*
25 *preparation in the areas of verbal communication skills, reading,*
26 *writing, arithmetic, and the acquisition of high school diplomas*
27 *and GEDs, and vocational preparation, including counseling and*
28 *training in marketable skills, and job placement information.*

29 *(h) Build and strengthen systems of family support and family*
30 *involvement during the period of the female's incarceration.*

31 *(i) Establish a family service coordinator at each prison that*
32 *houses only females.*

33 ~~3431. (a) The department shall develop a community-based~~
34 ~~female offender program whereby female offenders who committed~~
35 ~~a nonviolent or nonserious offense are housed in the same facility~~
36 ~~during their term of imprisonment and while participating in a~~
37 ~~residential aftercare program during parole. The facilities shall~~
38 ~~provide a continuum of services during the entire period that these~~
39 ~~offenders are under the jurisdiction of the department. Offenders~~
40 ~~shall be matched in a cost-effective manner with the facility that~~

1 best achieves the goals of public protection and successful reentry.
2 To the extent feasible, an inmate shall be placed in a facility that
3 is closest to the community from which she came and to which
4 she will be returned.

5 (b) The department shall work with communities to plan,
6 develop, and operate facilities based on the latest research and
7 focused on successful reentry.

8 (c) The department shall develop a process to secure 2,900
9 community correctional center beds for nonserious and nonviolent
10 female offenders, with no more than 200 beds in each facility. The
11 department may increase the number of beds, as necessary, through
12 the regular population growth budget process.

13 (d) The department shall provide a report to the Legislature by
14 June 30, 2011, on the effectiveness of these community correctional
15 centers in rehabilitating female offenders.

16 SEC. 2. Section 6259.5 is added to the Penal Code, to read:

17 6259.5. (a) The department shall establish female rehabilitative
18 community correctional centers to house inmates and parolees in
19 accordance with Sections 3431 and 2933.4.

20 (b) These facilities shall initially be located in Alameda, Fresno,
21 Los Angeles, Sacramento, San Bernardino, and San Diego
22 Counties, due to the significant number of female inmates who
23 are from these areas.

24 (c) Custody staff at these facilities shall be provided by
25 department personnel.

26 SEC. 3.

27 SEC. 2. (a) The Department of Corrections and Rehabilitation
28 shall not ~~convert~~ *alter the use of* any of the following facilities into
29 facilities that house male inmates without first obtaining legislative
30 approval: Valley State Prison for Women in Chowchilla, the
31 Central California Women's Facility in Chowchilla, and the
32 California Institution for Women in Corona.

33 (b) In considering whether or not to approve a proposed
34 conversion, the Legislature shall take into account the institution's
35 proximity to urban areas and access to community involvement
36 and volunteer services, among other relevant criteria.

37 SEC. 4.

38 SEC. 3. (a) It is the intent of the Legislature in adopting this
39 measure to do all of the following:

40 (1)–

1 (a) Reduce crime and recidivism.

2 ~~(2)–~~

3 (b) Improve access to rehabilitation.

4 ~~(3)–~~

5 (c) Break the intergenerational cycle of incarceration.

6 ~~(4) Reduce overcrowding to allow for conditions that promote~~
7 ~~effective rehabilitation.~~

8 ~~(5) Ensure that resources directed to newly established~~
9 ~~community correctional facilities do not diminish resources for~~
10 ~~programming in traditional facilities.~~

11 ~~(6) Ensure that women are placed close to their families and~~
12 ~~services in the community in order to aid rehabilitation.~~

13 ~~(b) Upon the one-year anniversary of establishing female~~
14 ~~rehabilitative community correctional facilities, the Department~~
15 ~~of Corrections and Rehabilitation shall report to the Legislature~~
16 ~~with an evaluation of program implementation, and any barriers~~
17 ~~to implementation that were recognized.~~

18 ~~(c) The Department of Corrections and Rehabilitation shall~~
19 ~~ensure that female rehabilitative community correctional facilities~~
20 ~~meet standards set forth by court orders or receiverships that are~~
21 ~~placed on the department, if community correctional facilities are~~
22 ~~not already subject to those court orders or receiverships.~~

23 ~~(d) There are no exemptions created by this act in regard to~~
24 ~~licensing requirements for community correctional facilities by~~
25 ~~the Department of Alcohol and Drug Programs.~~

26 ~~(d) Create a therapeutic environment within existing women's~~
27 ~~institutions.~~

28 ~~(e) Dedicate adequate space for educational and vocational~~
29 ~~programming needs.~~